

# Families, Agencies, and Communities Together for Children and Youth At Risk Act (FACT)

TITLE 63, CHAPTER 75, Utah Code

## **63-75-1. Title.**

This chapter is known as the "Families, Agencies, and Communities Together for Children and Youth At Risk Act."

## **63-75-2. Purpose of chapter.**

- (1) It is declared that the policy of the state is to unite the Department of Human Services, the State Office of Education, the Department of Health, the Office of the Court Administrator, and the Department of Workforce Services, community-based service organizations, and parents to develop and implement comprehensive systems of services and supports for children and youth at risk and their families.
- (2) It is the intent of the Legislature that service delivery systems developed under this chapter shall require collaboration between existing state and local agencies and between public, private, and voluntary agencies to enhance their capacity to meet community needs.

## **63-75-3. Definitions.**

As used in this chapter:

- (1) "Children and youth at risk" means:
  - (a) disabled persons age 18 to 22; or
  - (b) persons in the custody of the Division of Juvenile Justice Services within the Department of Human Services age 18 to 21; and
  - (c) minors who may at times require appropriate and uniquely designed intervention to:
    - (i) achieve literacy;
    - (ii) advance through the schools;
    - (iii) achieve commensurate with their ability; and
    - (iv) participate in society in a meaningful way as competent, productive, caring, and responsible citizens.
- (2) "Council" means the Families, Agencies, and Communities Together Council established under Section 63-75-4.
- (3) "Local interagency council" means a council established under Section

63-75-5.7.

- (4) "Steering committee" means the Families, Agencies, and Communities Together Steering Committee established under Section 63-75-5.
- (5) (a) "Child and family centered service delivery system" means services provided to children and youth at risk and their families that may be delivered by teams and within a supportive community environment.
- (b) "Community" includes, when available, parents of children and youth at risk; directors of geographical service delivery areas designated by state agencies; local government elected officials; appointed county officials who are responsible for providing substance abuse, mental health, or public health services; educators; school districts; parent-teacher organizations; child and family advocacy groups; religious and community-based service organizations; individuals; and private sector entities who come together to develop, adopt, and administer a plan for a collaborative service delivery system for children and youth at risk.
- (c) "Community resources" means time, money, services, and other contributions provided by individuals, private sector entities, religious organizations, community-based service organizations, school districts, municipal governments, and county governments.
- (d) "Individualized and coordinated service plan" means a plan for services and supports that is comprehensive in its scope, is the product of a collaborative process between public and private service providers, and is specifically tailored to the unique needs of each child or youth served under this chapter.
- (e) "Performance monitoring system"

means a process to regularly collect and analyze performance information including performance indicators and performance goals:

- (i) "performance indicators" means actual performance information regarding a program or activity; and
  - (ii) "performance goals" means a target level of performance or an expected level of performance against which actual performance is measured.
- (f) "Plan for a collaborative service delivery system," "plan," or "plans" means a written document describing how a community proposes to deliver services and supports to children and youth at risk that effectively bring to bear all needed resources, including community resources, to enable them to achieve the outcomes described in Subsection (1)(c).

## **63-75-4. Families, Agencies, and Communities Together State Council -- Composition -- Duties -- Interagency case management team.**

- (1) (a) There is created within state government the Families, Agencies, and Communities Together State Council composed of:
  - (i) the state superintendent of public instruction;
  - (ii) the executive director of the Department of Health;
  - (iii) the executive director of the Department of Human Services;
  - (iv) the state court administrator; and
  - (v) the executive director of the Department of Workforce Services.
- (b) The council members listed in Subsection (1)(a) shall appoint to a four-year term the following nonvoting members:
  - (i) a representative of community-based service

- organizations appointed to a four-year term;
  - (ii) a parent representative from a rural community; and
  - (iii) a parent representative from an urban community.
- (c) If a vacancy occurs with respect to a council member appointed under Subsection (1)(b), council members listed in Subsection (1)(a) shall appoint a replacement for the unexpired term.
- (d) Appointments and reappointments under Subsection (1)(b) and (c) shall be made within 60 days of a vacancy.
- (2) (a) The council shall annually elect a chair from its membership.
- (b) All voting members of the council are necessary to constitute a quorum at any meeting.
- (c) The action of a majority of a quorum is the action of the council, except that a unanimous vote of the council is required to appoint or remove a nonvoting council member.
- (d) The council shall meet quarterly or more frequently as determined by the chair.
- (3) (a) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (b) Members who are not government employees may not receive compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties from the council at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (c) Council members may decline to receive per diem and expenses for their service.
- (4) The council shall:
  - (a) provide leadership to increase and enhance efficient and effective services to Utah's children and youth at risk by:
    - (i) cooperatively planning,
    - funding, monitoring, evaluating, and marketing innovative and individualized service delivery and funding strategies;
    - (ii) recommending legislative, executive, and judicial policy and procedural changes, including joint budget proposals as described in Section 63-38-2;
    - (iii) developing incentives and strategies to increase family involvement, collaboration, and public-private partnerships in the planning and delivery of services at the state and local level;
    - (iv) promoting prevention and early intervention services;
    - (v) increasing public understanding of and advocating for the needs of Utah's children and youth who are at risk; and
    - (vi) establishing policies to remove administrative barriers to collaboration in communities;
  - (b) compile and disseminate information regarding effective service delivery and funding strategies for replication;
  - (c) receive and act upon recommendations of the steering committee;
  - (d) approve the establishment of collaborative service delivery systems under Section 63-75-6.5 and adopt performance goals for those systems;
  - (e) recommend to the governor for each fiscal year funds contained in an agency's base budget and building block request that can be identified for collaborative service delivery systems established under Section 63-75-6.5;
  - (f) (i) develop model administrative and governance structures to be established by communities that at least:
    - (A) ensure accountability for public funds;
    - (B) are voluntarily adopted and modified by communities, based on community needs;
    - (C) ensure collaboration on
  - matters of policy and administrative processes in operating programs under this chapter between the state, school districts, and counties;
- (D) establish a board consisting of heads of state and local government agencies, private agencies, and school districts that provide services under this chapter; and
- (E) ensure equity in the scope, duration, and level of services throughout a prescribed geographical area;
- (ii) the council may, through contracts that provide funding for programs under this chapter, give incentives to communities to establish an administrative and governance structure that meets the requirements of Subsection (4)(f)(i) and to designate the geographical area within which that administrative and governance structure will operate;
- (g) review the structure and function of the steering committee before December 1, 1999, to determine the effectiveness of the steering committee in:
  - (i) achieving the purposes and carrying out the responsibilities of the committee; and
  - (ii) assisting communities to establish collaborative service delivery systems;
- (h) forward to the Legislature for the 2000 General Session recommendations for restructuring the size, membership, and function of the steering committee based on the review conducted under Subsection (4)(g); and
- (i) report to the governor and the Legislature on an annual basis.
- (5) The council shall ensure that projects selected under Section 63-75-6 have outcomes that:
  - (a) focus all project activities on the prevention of academic failure

- and social misbehaviors;
  - (b) involve parents in planning, implementation, and evaluation of services;
  - (c) allow frequent opportunities for planning between teachers, parents, school administrators, and representatives of agencies and community-based service organizations that provide services; and
  - (d) provide frequent monitoring and assessment of each child's and youth's progress.
- (6) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the council shall make rules to ensure cooperative development of individualized and coordinated service plans by local interagency councils and case management teams for children or youth at risk and their families who receive services under this chapter.
- (b) For purposes of developing and implementing individualized and coordinated plans, the members of the local interagency councils and case management teams shall be considered to be employees of each agency represented on the team and entitled to review and discuss agency records as necessary in planning and providing services under a plan.
- (c) Records shared by the teams remain the property of the supplying agency and may not be incorporated in the records of another agency unless transferred in accordance with standard procedures for transfer of records of the type in question.

**63-75-5. Steering committee -- Membership -- Duties.**

- (1) As used in this section, "Council of Mental Health Programs" means a council consisting of all of the directors of Utah public mental health centers.
- (2) There is established a Families, Agencies, and Communities Together Steering Committee.
- (3) The steering committee shall include at least 18 voting members as follows:
  - (a) the director of the Division of Health Care Financing within the Department of Health;

- (b) a representative annually designated by the Council of Mental Health Programs;
  - (c) the director of the Division of Substance Abuse and Mental Health within the Department of Human Services;
  - (d) the director of the Division of Juvenile Justice Services within the Department of Human Services;
  - (e) the state director of special education;
  - (f) the person responsible for programs for at risk students within the Utah State Office of Education, if that person is not the state director of special education;
  - (g) the Juvenile Court Administrator;
  - (h) a representative annually designated by substance abuse directors;
  - (i) the director of the Division of Child and Family Services within the Department of Human Services;
  - (j) the director of family health services programs;
  - (k) a representative annually designated by the Utah School Superintendents Association;
  - (l) a juvenile court judge designated by the presiding officer of the state Judicial Council;
  - (m) a representative annually designated by the local health officers;
  - (n) a representative annually designated by the executive director of the Department of Workforce Services;
  - (o) three at-large members appointed by a majority of the committee to four-year terms, who represent a statewide perspective on children and youth issues; and
  - (p) parent representatives appointed by members specified in Subsections (3)(a) through (o).
- (4) Additional members may be selected by a majority of the committee to serve as voting members for four-year terms.
- (5) (a) Except as required by Subsection (5)(b), as terms of current at-large committee members expire, the committee shall appoint each new member or reappointed member to a four-year term.

- (b) Notwithstanding the requirements of Subsection (5)(a), the committee shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of at-large committee members are staggered so that approximately half of the at-large committee members are appointed every two years.
- (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (7) The members shall annually elect a chair and vice chair.
- (8) A majority of committee members are necessary to constitute a quorum and to transact the business of the committee.
- (9) (a) (i) Members who are not government employees may not receive compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Members may decline to receive per diem and expenses for their service.
- (b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) State government officer and employee members may decline to receive per diem and expenses for their service.
- (c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the

rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

- (ii) Local government members may decline to receive per diem and expenses for their service.

(10) The committee shall:

- (a) assist the council in fulfilling its duties set out in Section 63-75-4;
- (b) monitor, solicit input for policy changes, and provide technical assistance to local collaborative programs; and
- (c) report any formal recommendations to the council.

**63-75-5.5. Staffing.**

The Department of Human Services, the Department of Health, the State Office of Education, and the Office of the Court Administrator shall provide staff for the state council and steering committee.

**63-75-5.7. Local interagency council -- Composition -- Duties.**

- (1) Communities shall establish local interagency councils to improve service delivery to children and youth at risk, who are experiencing multiple problems and require services from more than one agency.
- (2) Each local interagency council shall consist of representatives from each agency serving children and youth who are at risk and their families within the community.
  - (a) At a minimum the council shall consist of a family advocate and a local representative from the following:
    - (i) child welfare;
    - (ii) developmental disabilities;
    - (iii) education;
    - (iv) health;
    - (v) juvenile justice;
    - (vi) mental health;
    - (vii) parents;
    - (viii) substance abuse; and
    - (ix) youth corrections.
  - (b) The members of the local interagency council specified in Subsections (a)(i) through (ix) shall select three parents from the local community to serve on the local interagency council, representative of families with children.

(3) The local interagency council shall:

- (a) provide general staffing for individual at risk cases which require services from more than one agency;
  - (b) provide services to meet the needs of individual cases or create new services to fill gaps in current service continuum;
  - (c) develop an individualized and coordinated service plan for each child or youth at risk and his family; and
  - (d) establish a case management process to implement individualized and coordinated service plans.
- (4) Each local interagency council shall integrate into its operational procedures a method to involve parents in the staffing and service planning process.
- (5) (a) Each local interagency council shall operate in accordance with a written agreement entered into by the participating agencies.
  - (b) The agreement shall include a provision that the participating agencies agree to implement the service recommendations in the individualized and coordinated service plan when not inconsistent with federal law.

**63-75-6. Prevention and early intervention programs -- Applicants -- Selection process.**

- (1) Within appropriations from the Legislature, the council shall implement prevention and early intervention programs for children and youth at risk.
- (2) The council shall select a limited number of participants for programs described in Subsection (1) through applications submitted by local entities.
- (3) (a) (i) The written consent of a parent or guardian is necessary for a child or youth at risk to participate in a program operated under Subsection (1).
- (ii) Programs for children who are enrolled in public schools shall also be subject to the disclosure and written consent provisions of Section 53A-13-301 and Section 53A-13-302.

- (iii) A parent or guardian may withdraw consent at any time.

- (b) Notwithstanding Subsection (3)(a), a court may order a child's participation in a prevention and early intervention program.

(4) The prevention and early intervention services provided under this section shall:

- (a) be comprehensive and collaborative;
- (b) seek to strengthen and preserve families;
- (c) be culturally sensitive, family focused, and community based;
- (d) protect children and youth at risk;
- (e) prevent abuse and neglect;
- (f) provide access to health care; and
- (g) prevent academic failure as defined in Subsection 78-3a-316(2)(a).

(5) (a) A case management team shall be established at each participating site.

- (b) The case management team shall include at least the following:
  - (i) parents who represent a community perspective on children and youth at risk;
  - (ii) an educator at the school if the child receiving services is enrolled in a public school;
  - (iii) the principal if the child receiving services is enrolled in a public school;
  - (iv) a public health nurse;
  - (v) a representative of the local mental health authority;
  - (vi) a representative from the Division of Child and Family Services within the Department of Human Services;
  - (vii) a representative from the Employment Development Division; and
  - (viii) other persons considered appropriate by those persons specified in Subsections (5)(b)(i) through (vii), based on the needs of the child or youth and his family.

(6) (a) Nothing in this chapter shall be construed to waive the civil, constitutional, or parental rights of any child, youth, parent, or guardian.

- (b) The case management team shall recommend that children or youth be evaluated for at risk intervention.

**63-75-6.5. Plans for collaborative service delivery systems.**

- (1) The council shall provide incentives for communities to develop collaborative service delivery systems. If a community desires to enter into a contract with the council under this section, it shall submit to the council a plan for a collaborative service delivery system. That plan shall be in a form prescribed by the council and shall include at least the following:
  - (a) the community's designation of a state agency, school district, political subdivision, or private entity that will act as fiscal agent for the plan;
  - (b) an assurance that the plan was developed through an inclusive process involving, when available, parents of children and youth at risk, representatives of state agencies and local governments, educators, school districts, child and family advocacy groups, religious and service organizations, and parent-teacher associations;
  - (c) a description of how the collaborative service delivery system will be administered, including the membership, powers, and duties of any board, commission, or council that will direct the service delivery system;
  - (d) a budget for the proposed collaborative service delivery system, including funds requested from the council;
  - (e) a description of a performance monitoring system to be used by the community, including the community's performance goals and performance indicators; and
  - (f) any waivers to the rules of the State Board of Education, Department of Human Services, Department of Health, or rule of judicial administration necessary to carry out the community initiative.
- (2) In awarding an application under this section, the council shall consider the extent to which the proposed community initiative:

- (a) promotes early intervention and prevention;
  - (b) employs a collaborative method of delivering services;
  - (c) is endorsed by all public and private service delivery agencies that are anticipated to provide services to at-risk children and youth under the proposed collaborative service delivery system;
  - (d) is accountable for results;
  - (e) utilizes private community resources, including resources provided by religious and service organizations;
  - (f) utilizes the resources of the at risk child's immediate and extended family;
  - (g) leverages county, municipal and school district funding sources to enhance the scope, extent, and availability of services;
  - (h) leverages private funding sources within the community to enhance the scope, extent, and availability of services;
  - (i) employs individualized and coordinated service plans;
  - (j) establishes a single point of entry for children, youth, and their families who require services;
  - (k) provides comprehensive services for children and youth at risk through grade 12 and appropriate prenatal care; and
  - (l) exhibits innovation in delivering services or addressing needs.
- (3)
  - (a) On or before July 1, 1996, the council shall adopt a prospectus to solicit proposals for the submission of plans.
  - (b) From among the proposals for plans received under Subsection (a), the council may award grants to communities to partially or fully pay for the development of plans.
  - (c) From the plans received under Subsection (b), the council may contract with the fiscal agent designated in the plan. That contract shall contain at least the following provisions:
    - (i) a description of the scope of work and program narrative;
    - (ii) a description of the community's performance monitoring system which shall coordinate with existing

performance monitoring systems, including the community's performance goals and performance indicators;

- (iii) an enumeration of the dollar amount that will be provided by the council to the fiscal agent; and
  - (iv) a waiver to an administrative rule, if any, granted by the agency that adopted the rule.
- (d) For fiscal year 1996-97, a contract under Subsection (c) is for the period of time between April 1, 1997, and June 30, 1997. For each fiscal year thereafter, a contract may not exceed the period of the fiscal year.

**63-75-7. Evaluation of programs -- Report to legislative interim committee.**

- (1) At the end of each fiscal year, a final report shall be submitted to the council summarizing the outcome of each project under this chapter.
- (2)
  - (a) The council may conduct an independent evaluation of any or all of the projects to assess the status of services provided and identified outcomes.
  - (b) The council shall prepare and deliver a report on the program to the Legislature's Education, Health and Human Services, and Judiciary Interim Committees before October 1, 2005.
  - (c) The report shall include a recommendation by the council as to whether the program should be terminated, continued, or expanded.

**63-75-8. Relationship to political subdivisions.**

Nothing in this chapter affects the power of a political subdivision to carry out its responsibilities as otherwise provided by law.